



## **DECISION OF THE COMMISSION**

The Commission for the Control of INTERPOL's Files (the Commission), ...

Having deliberated in camera, delivered the following Decision. ...

### **I. PROCEDURE**

1. On..., the Requesting Party (hereafter "the RP") lodged a complaint addressed to the Commission. Following submission of all the required documents in accordance with Article 10 of the Operating Rules of the Commission, the request was found admissible, and the Commission informed him on ...
2. The Commission studied this request on ... and concluded that in light of the latest information provided by the INTERPOL National Central Bureau (NCB) of Country A, the retention of the data concerned in INTERPOL's files was compliant with INTERPOL's rules.
3. The Commission informed the RP of its conclusions on....
4. On ..., the RP requested re-examination of his case by the Commission. The Commission acknowledged receipt on....
5. The Commission examined, in view of applicable rules, whether the elements provided by the RP were sufficient for the Commission to reexamine the case.

### **II. FACTS**

1. The RP is a national of Country A, residing in Country B.
2. He is the subject of a Red Notice issued at the request of the NCB of Country A on ...for..., on the basis of an arrest warrant issued on ...in Country A.
3. The summary of the facts, as recorded in the Red Notice, is the following: "..."

### **III. THE RP'S REQUEST**

4. The RP requested re-examination of his case by the Commission, and the deletion of the data concerning him.
5. He contends in essence that....

### **IV. APPLICABLE LEGAL FRAMEWORK**

6. Application for re-examination:
  - Article 19(1) of the Operating Rules of the Commission for the Control of INTERPOL's Files provides: "*An application for re-examination of a request by the Commission may be made by the requesting party only when it is based on the discovery of a fact which would probably have led to a different conclusion if that fact had been known at the time the request was processed.*"

## V. FINDINGS

7. To determine whether or not it can re-examine a case, and in accordance with Article 19 of the Operating Rules of the Commission for the Control of INTERPOL's File, the Commission first checks whether the party seeking to appeal its conclusions provided:
  - new elements, which were not previously considered by the Commission that might have resulted in a different conclusion had it been known at the time the request was processed,
  - appropriate answers to any outstanding issues or questions raised by the Commission.
8. The RP argued that ...
9. He contended that ..., it was stated that ...
10. He stressed that this development was consistent with the experience his family had ...
11. On..., the Commission invited the NCB of Country A to confirm whether ...The Commission has received no answer from the NCB at this stage.
12. The Commission holds that the elements submitted by the RP highlight new facts which could have led to a different conclusion had they been known at the time the request was processed.

### FOR THESE REASONS, THE COMMISSION

1. Holds that the RP has provided new elements in the meaning of article 19 of the Operating Rules of the Commission for the Control of INTERPOL's File.
2. Concludes that the conditions to re-examine the case are met.
3. Holds that doubts exist concerning the compliance of the data concerning the RP recorded in INTERPOL's files with INTERPOL's Rules.
4. Recommends that access to the data provided by Country A concerning the RP be blocked if the NCB of that Country does not provide the required elements within one month.

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